

CHAPTER 550

HEALTHY LIFESTYLE PROMOTION AND CARE OF NON-COMMUNICABLE DISEASES ACT

To establish and ensure an inter-ministerial lifelong approach favouring physical education and healthy balanced diets for a healthy lifestyle and reducing the level of non-communicable diseases throughout all age groups.

24th January, 2023*

ACT III of 2016, as amended by Act XXIX of 2019.

ARRANGEMENT OF ACT

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PART I

General Provisions

1. (1) The short title of this Act is the Healthy Lifestyle Promotion and Care of Non-Communicable Diseases Act. Short title and commencement.

(2) The provisions of this Act shall come into force on such date as the Minister may by notice in the Gazette appoint, and different dates may be so appointed for different provisions or different purposes of this Act.

2. In this Act, unless the context otherwise requires:

"Advisory Council" means the Advisory Council on Healthy Lifestyles established by article 4;

Interpretation.
Amended by:
XXIX.2019.71.

"curriculum" means the National Curriculum Framework for all schools at compulsory educational level as provided for in the Education Act and includes centres and facilities for children under the age of compulsory education;

Cap. 605.

"the Minister" means the Minister responsible for health;

"schools" shall have the same meaning assigned to it in the Education Act";

Cap. 327.

"specialist" means a health care professional whose name is entered in the appropriate part of the specialist register kept by the relevant Council in accordance with the Health Care Professions Act; and

Cap. 464.

"Superintendent" means the Superintendent of Public Health as defined in the Public Health Act.

Cap. 465.

*Vide Legal Notice 13 of 2023.

Scope.

3. The purpose of this Act is to establish and ensure an inter-ministerial lifelong approach favouring physical education and healthy balanced diets for a healthy lifestyle reducing the level of non-communicable diseases throughout all age groups.

PART II

Advisory Council on Healthy Lifestyles

Advisory Council
on Healthy
Lifestyles.

4. (1) There shall be established an Advisory Council on Healthy Lifestyles.

(2) The Advisory Council shall be composed as follows:

- (a) a person nominated by the Prime Minister, who shall be the Chairman;
- (b) a public health consultant nominated by the Prime Minister who shall act as Secretary to the Council;
- (c) a person nominated by the Minister responsible for health;
- (d) a person nominated by the Minister responsible for education;
- (e) a person nominated by the Minister responsible for finance;
- (f) a person nominated by the Minister responsible for social policy;
- (g) a person nominated by the Minister responsible for sports;
- (h) a person nominated by the Minister responsible for local government; and
- (i) a person nominated by the Minister responsible for home affairs.

(3) The Minister may appoint sub-committees of the Advisory Council which shall be set up to deal with different and specific matters related to a healthy lifestyle after consultation with, or after having received a request or recommendation from, the Advisory Council.

(4) The Advisory Council shall meet at least once a month and as often as necessary and shall regulate its own procedures.

Functions and
duties of the
Advisory Council.

5. (1) It shall be the duty of the Advisory Council, in general, to provide advice on any matter related to healthy lifestyles.

(2) In particular, but without prejudice to the generality of the foregoing, it shall be the duty of the Advisory Council to:

- (a) advise the Minister on matters relating to health, physical activity and nutrition;
- (b) advise the Minister on policies, action plans and regulations intended to reduce the occurrence of non-communicable diseases among the general public;
- (c) upon the request of any other Minister advise such Minister on such matters as may be required in order

to achieve the objectives of this Act;

- (d) encourage an inter-ministerial approach to issues related to physical activity and a healthy lifestyle; and
- (e) encourage a lifelong approach, from intrauterine life till old age, to physical activity and a healthy lifestyle.

PART III

Power to make regulations

6. The Minister may, after consultation with the Advisory Council, make regulations to give better effect to the provisions of this Act, and without prejudice to the generality of the foregoing, such regulations may in particular provide for or refer to:

Power to make regulations.

- (a) the education and promotion of healthy lifestyles and physical activity for persons of all ages, from intrauterine life to old age;
- (b) food consumption in schools and in their proximity;
- (c) investment and expenditure by local councils to promote healthy lifestyles;
- (d) nutritional qualities of food consumed in institutions licensed by public authorities including, but not limited to, old people's homes and day centres;
- (e) an integrated approach for the promotion of food for healthy lifestyles;
- (f) the regulation of marketing of products which may have adverse effects on healthy lifestyles; and
- (g) any other related issue in the achievement of the promotion of healthy lifestyles.

PART IV

Administration

7. (1) This Act shall be administered by the Superintendent.
- (2) The provisions of articles 3 to 24 of Part II of the [Public Health Act](#) shall, *mutatis mutandis*, apply in relation to the administration of this Act and any regulations made thereunder.

Administration.

Cap. 465.

PART V

Offences and Penalties

8. (1) Regulations made under this Act may provide for criminal offences which shall not be liable to a punishment higher than a fine (*multa*) of two thousand and five hundred euro (€2,500).
- (2) Regulations made under this Act may provide for administrative penalties which shall not exceed two thousand and five hundred euro (€2,500) and for the procedures that may lead to the imposition of such penalties.
- (3) Any person who contravenes any provision of any regulations made under this Act, shall be guilty of an offence against this Act and shall, on conviction, be liable, in the absence of specific punishments being provided for in the said regulations, to a fine (*multa*) of not less

Offences and penalties.

than two thousand and five hundred euro (€2,500).

Proceedings in
case of an offence.

Cap. 9.

9. Proceedings against any person for any offence against any of the provisions of this Act shall be taken before the Court of Magistrates (Malta) or Court of Magistrates (Gozo) as a Court of Criminal Judicature in accordance with the provisions of the [Criminal Code](#).

Proceedings
against body
corporate.
Cap. 9.

10. The provisions of article 121D of the [Criminal Code](#) shall, *mutatis mutandis*, apply where a person is found guilty of an offence against this Act, so however, that the punishment to which the body corporate shall be liable, shall be that of a fine (*multa*) of not more than two thousand and five hundred euro (€2,500).

Right of appeal by
Attorney General.
Cap. 9.

11. Notwithstanding the provisions of the [Criminal Code](#), the Attorney General shall always have a right of appeal to the Court of Criminal Appeal from any judgement given by the Court of Magistrates (Malta) or (Gozo) in proceedings arising out of the provisions of this Act.
